Secrt. II-27—35,006—27-10-33.

Law (Genl.) (1934) **Department.**

MS SERIES.

G.O. No. 1308

DATED 27-4-1934

[Despatch Abstract.]

Motor vehicles

Lorries plying for hire – Definition of the term – Reference from the District Magistrate, South Kanara – Notes recorded

D. Dis. 1230/M/34.

11129

South Kanara District Magistrate's Office
Mangalore, dated 9th March 1934

From

E. M. Gawne, Esq, I.C.S.,
District Magistrate,
South Kanara

To

The Secretary to Government,
Local Self Government,
Madras.

Sir,

Motor Vehicles--Model Regulations under Sec. 166 (2) of the Madras Local Boards Act 1920 and Sec. 174-A (2) of the Madras District Municipalities Act 1920 communicated to local bodies for adoption.

Ref:- G. O. No. 964 L. & M. dated 26th February 1934.

A perusal of the model Regulations appended to the G. O. quoted above shows that the Government expect that lorries will be licensed in Districts. Since the Ruling communicated with Government Memorandum No. 8351 A-1 Law (General) dated 18th August that a lorry was not let or plying for hire unless it stopped on the way to pick up goods, no lorry takes out a "G" Permit in this District and so the control of lorries has stopped.

2. Actually these lorries by overloading and over-speeding cause considerable damage to the roads and I am addressing the District Board to frame special by-laws to enable a speed limit to be put on them. This will take time however and has the disadvantage that the police have no duties to enforce District Board by-laws.

incorrect — vide regulation 13 iii (b)

3. I venture to suggest that it is regrettable that no means can apparently be devised to make effective what the Government intend i.e. that lorries which carry goods for hire, should be li-

censed under a "G" Permit no less than [illegible] for hire. An ordinary person would certainly hold that the [illegible] takes a load of tiles from a tile factory [illegible] paid for the carriage of the tiles, that [illegible] this is now beside the point as I observe that [illegible] only the words 'plying for hire' are used and [illegible] uncontrolled.'Owners or drivers of lorries [illegible] would get rid of that difficult word 'plying'.

Yours [illegible],

[signature]

[illegible]

Private Taxis

Eg 2 74 Lab 8 : 1 : 34 JC

Eg 2.34 Lab 7 : 7 : 33 JC

Eg 4180 Lab 4 : 10 32 JC

(ord) Eg 4046 Lab 12 1233

~~Eg~~

Eg 1263 Lab 5 : 4432

Eg 793 Lab 18, 4-3-31 JC

Eg 4410 Lab 17 : 10 30. JC

4009 Lab 3.5 2.15 JC

L.S.G. (L&M) Dept

C.NO. 11129. From Dt. Mgte. S. Kanara. D.Dis.

pp 1-2 cf 1230/M/34. dy 9.3.34.

Subject :- Motor Vehicles - Licensing of lorries - Evasion of rules.

Para (1) on p.1 cf. This is a matter concerning the Law (Genl) Dept.

Para 2 on p.1 cf

(i) Overspeeding. Attention is invited to the orders in G.O.NO. 4180 L&M dy 21.10.32. This is a matter to be controlled by the Dt. Mgte and not by the local body. There is no necessity to frame special by-laws when local bodies have been asked to omit provision regarding speed limit. The Dist attention may be drawn to the G.O.

(U)

(ii) Overloading This is provided for in Model Regn no. 11. issued with G.O. No. 964. L&M dy. 26.2.34. The Dt Bd or mncl can take action to prevent violation of this regulation and thereby safeguard the roads from damage ~~pressure~~ due to excessive load.

This regulation applies only to lorries plying for hire & not to private lorries. These latter come under regulation 12. (F) 3 Kr 15/3

Para 3 It appears that under Rule 30 of the Madras Motor vehicles Rules 1923 lorries which carry goods for hire should be licensed under a 'G' permit. Whether a particular lorry plies for hire or not is a question of fact ~~which should be~~ to be decided by the licensing authority and

his decision may be challenged in a court of law. It is not clear what the suggestion is that the D. Agts is driving at. The words "plying for hire" adopted in the model rules are the same as those used in the ~~other~~ latter ~~Acts~~ Amending Act XXV of 1933

The file may be sent to the Transport Dept. for remarks

KV 14/3

14.334

The points raised are mainly for consideration in Law (Lab) Dept.

15/3.

The D.C. does not appear to be well served by his office, neither the G.O. at Flag (C) nor the Head Draftsmen seem to have been brought properly to his notice.

C
17/3

Law (General.)

L.S.G. no. 11129-1 C.S. 19.3.34

Law (Lew) Dept. Hyd: 1230 F - 20.3.34 21.3.34

DS.

With reference to para 1 of the D.O. letter in the case it is submitted that in view of the ruling of the Madras High Court in 51 Madras 527 nothing can be done in the matter. The effect of the decision has already been explained in the memo. quoted by the D.O. Recently the D.O. the Collector moved

Rep. in 11/12 20 lines (F) 17.10.34

(R)
Grbl-2 JG 4046
12.12.33

Govt to take steps to oppose a Criml. Revisn Petition filed in the High Court by the owner of a lorry against the judgment of the S.D.Js Coimbr Convicting him for not taking out a G. Permit in the Nilgiris Dt. when his lorry plied for hire from Calicut to an Estate in the Nilgiris. In view of the ruling referred to already, the Govt considered that no useful purpose would be served by opposing the Petition

2. The other points raised by the A.M. have been noted upon by the L.S.G. Deptt & this Deptt has no further remarks to offer

3/ The file may be returned to L.S.G.

SECRETARIAT TO GOVERNMENT
23 MAR 1934
LOCAL SELF-GOVERNMENT DEPARTMENT

KN 23/3
13546

G.O. at (R)

Lfwd: 1230 A-1
22.3.34

(R.)
23
cor
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Lwd
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77 LSG

34

D.O.11129-1 C.L & M.

Local Self Government Department,

Fort St. George,

17th March 1934.

Dear Gawne,

Please refer to your official letter D.Dis. 1230/M/34 dated 9th instant regarding the Model Regulations framed by the Government under sub-section (2) of Section 166 of the Madras Local Boards Act. An official reply to your letter will issue in due course. In the meantime as you say that you are addressing the District Board to frame special by-laws for the enforcement of a speed limit, I am writing to draw your attention to G.O. No.4180 L & M, dated 21st October 1932 in which Presidents of District Boards and Chairmen of Municipal Councils have been asked to omit any provision regarding speed limits from their regulations as it is the function of the District Magistrate to take action for the necessary restriction on speed.

As regards your statement in para 2 of your letter that the Police have no duties to enforce District Board by-laws, please see Regulation 13 of the Model Regulations.

Yours sincerely,
E. Conran Smith.

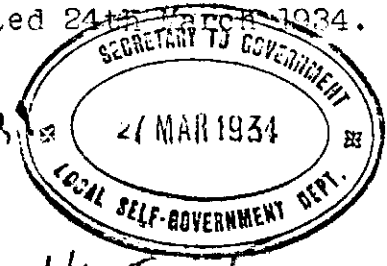
6

C

South Kanara Collector's Office,

Camp: Kota, dated 24th March 1934.

a.s.1 / C / 27P 1393



My dear Lewis Smith

p/4 Sante

Motor Vehicles Act--Fixing speed limits

Your D. O. No. 11129-1 L. & M dated 17th March 1934.

I am much obliged for your D. C, pointing out my error in asking the President District Board to make a by law for the control of the speeds of lorries. It has come in the nick of time as I have now written to Bracken to suggest as a proper subject for discussion at the Collectors' Conference that the proceeds of "G" permits should be a fund at the disposal of District Magistrates so that they can take effective steps, not only to make speed limits but to notify them and have them observed. Without notice boards and notices in the local papers the fixing of speed limits is just a dead letter

for vehicles which do not have to carry a "G" Permit (where the speeds are entered).

To

E. C. Connor Smith, Esq.,
C.I.E.I.C.S.,
Secretary to Government,
Local Self Government Department,
Madras.

Please see the D.O- from Mr. E.M. Gawne Dt. Mgte. S. Kanara on pp. 6-7 ante.

~~No formal reply to the letter on prof does not appear to be necessary.~~ The ~~matter~~ questions as well as those raised in the letter in the CF raised in this D.O ~~are~~ for the Law Dept. to consider. The file may be transferred to that Dept.

11/4;

KW 4/4 ~~KR~~ 4.4.34

No particular action seems called for on Mr. H's letter in the C.F.

ICR 5/4.

Secy

CI 20/4.

Law (Lgs)

Law (Lew.) Dept

DS.

23 APR 1931

L&S No 1114-1C Ldy 20/4/34.

The question raised in the D.O. of Mr Gawne at pages 6-7 ante was proposed by him for discussion at the Collectors Confce. but it has been decided that it was not necessary to discuss the question. as there is already a proposal before Govt. to provide funds in the B.E. for the cost of erecting notice boards indicating speed limits. Orders have been held up as the estimates from

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the Board were received too late for inclusion in the B.E for the current year. Furthermore, the power to notify specified articles will shortly be transferred to B.V.P.O & this will have nothing to do with it. No action is therefore called for

2. Mr Game has also noted for discussion at the Collectors' Conf. the question of the definition of 'Lorries' plying for hire with a view to bringing this also within the purview of the Bombay Motor Vehicles Act. This was also brought down for this reason when it was dept not at all 1926 A (Genl) 1926-27

3. The papers may be filed

23/4.

Motor Vehicles

Lorries plying for hire - definition of the term - Reference from the Collector, Kaira

Bombay